

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHELLE WATSON,

Plaintiff,

- against -

RICHMOND UNIVERSITY MEDICAL
CENTER,

Defendant.

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ROSLYNN R. MAUSKOPF, United States District Judge.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**
14-CV-1033 (RRM) (LB)

Plaintiff commenced this action on February 14, 2014, alleging employment discrimination against defendant Richmond University Medical Center (“RUMC”). (Compl. (Doc. No. 1) at 1.) She proceeded *pro se* until October 30, 2014, when counsel Geoffrey Schotter filed a notice of appearance on her behalf. (Notice of Appearance (Doc. No. 29) at 1.)

By letter dated November 14, 2014, plaintiff’s counsel requested an extension of time to complete discovery and expressed intent to file an amended complaint. (11/14/14 Letter (Doc. No. 30) at 1–2.) By order dated December 8, 2014, Magistrate Judge Bloom set a briefing schedule for plaintiff’s motion to amend, which was filed with the Court on February 12, 2015 (Mot. Amend (Doc. No. 32)), together with a proposed Amended Complaint. (*Id.*, Ex. 1.) By order dated June 16, 2015, the Court referred the motion to Judge Bloom.

On August 19, 2015 Judge Bloom filed a Report and Recommendation (“R&R”) recommending that plaintiff’s motion be granted in part and denied in part. (R&R (Doc. No. 35) at 1.) Judge Bloom reminded the parties that, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), any objections to the R&R were due within fourteen days of its receipt. (R&R at 13.) Neither party filed any objections within the fourteen day period.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, the Court has reviewed the R&R for clear error and, finding none, concurs with and adopts the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

Accordingly, it is hereby ORDERED that plaintiff's motion to amend is granted in part and denied in part. Plaintiff may not proceed with the following claims in the proposed Amended Complaint:

- Count II: the claim against RUMC for disparate impact under Title VII;
- Count V: the claim against M.D. Edward Arsura for intentional discrimination under 42 U.S.C. § 1981;
- Counts VIII and IX: the claims against RUMC under the New York State Human Rights Law and the New York City Human Rights Law;
- Count XIII: the claim for promissory estoppel; and
- Count XV: the claim for negligent misrepresentation.

Plaintiff's motion to amend is granted in all other respects.

The Court notes that on September 5, 2015, subsequent to the filing of the R&R, plaintiff filed a "First Amended Complaint for Declaratory Relief, Injunctive Relief, and Damages" ("FAC"). (Doc. No. 36.) The Court does not offer an opinion as to whether the FAC complies with this Order. By September 25, 2018, plaintiff shall either advise the Court by letter that the FAC complies with this Order, or file an amended complaint that does so. The time for service of the newly-named defendants shall begin to run on September 25, 2015.

This action is re-committed to the assigned Magistrate Judge for all pre-trial purposes.

SO ORDERED.

Roslynn R. Mauskopf

Dated: Brooklyn, New York
September 11, 2015

ROSLYNN R. MAUSKOPF
United States District Judge